FAB

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 FEB 12 AM 9:27

UNITED STATES OF AMERICA, Plaintiff, v. **Noel BASALDUA-LOPEZ aka: Noel Casares-Lopez** Defendant.	)	Magistrate Case No. '08 MJ 0395 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about **February 11, 2008**, within the Southern District of California, defendant **Noel BASALDUA-LOPEZ aka: Noel Casares-Lopez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 12th DAY OF **FEBRUARY, 2008.**

UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT

On February 11, 2008, at approximately 0405, a male individual later identified as **Noel BASALDUA-LOPEZ aka: Noel Casares-Lopez (Defendant)** attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry pedestrian entrance. Upon inspection, Defendant told a Customs and Border Protection (CBP) officer he had forgotten his identification card at home. Defendant verbally claimed United States citizenship by birth in Vista, California and also stated he was returning to his home in Oceanside, California. The CBP officer referred Defendant to secondary for further inspection.

In secondary, Defendant was queried by fingerprint and photograph through the Automated Biometric Identification System (IDENT). IDENT matched his fingerprints to numerous apprehensions, identifying Defendant as a citizen of Mexico and a previously removed alien. Defendant's identity was verified utilizing the Integrated Automated Fingerprint Identification System (IAFIS).

Further queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant is a citizen of Mexico with no legal documents to enter the United States. While conducting CIS and DACS queries, immigration service records indicate Defendant was deported from the United States by an immigration judge on or about August 20, 1998 and was physically removed from the United States to Mexico on the same date. Immigration service records also indicated no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.